

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00093-M

EDWARD STOKES,

Plaintiff,

v.

E. MADINA, STEVEN DOLLINGER, and
A. TEW,

Defendants.

ORDER

This matter is before the court on Magistrate Judge Robert B. Jones, Jr.'s Order and Memorandum and Recommendation. DE 8. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert B. Jones, Jr. entered a memorandum and recommendation ("M&R"), recommending that the court dismiss Plaintiff's Complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). DE 8. To date, no objections have been filed.¹

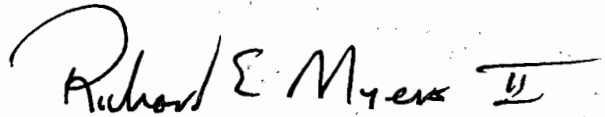
A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting

¹ Judge Jones issued the M&R on June 5, 2023. Accordingly, objections were due on or before June 19, 2023. *See* DE 8. The parties' motions and M&R were submitted to this court for disposition on June 28, 2023.

the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's Complaint is DISMISSED without prejudice. The Clerk of Court is directed to close this case.

SO ORDERED this 3^d day of July, 2023.

A handwritten signature in black ink, reading "Richard E. Myers II". The signature is written in a cursive style with a horizontal line at the end.

RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE